

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA

ANTHONY J. BURRIOLA, MARLA A. POLSON, ) 3:08-CV-00149-ECR-RAM  
)  
Plaintiffs, ) MINUTES OF THE COURT  
vs. ) July 13, 2009  
STATE OF NEVADA, et al., )  
)  
Defendants. )  
\_\_\_\_\_)

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE

Deputy Clerk: COLLEEN LARSEN Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

On May 7, 2008, the Magistrate Judge filed a Report and Recommendation (#52). On June 24, 2008, Plaintiff Anthony J. Burriola filed Objections (#56) to the Report and Recommendation (#52). The Objections (#56) are without merit.

**IT IS, THEREFORE, HEREBY ORDERED** that the Report and Recommendation (#52) of the Magistrate Judge is **APPROVED** and **ADOPTED**.

**IT IS FURTHER ORDERED** that Defendants' Motion for Partial Dismissal (#27) is **GRANTED** in part and **DENIED** in part as follows:

- Plaintiff Polson is **DISMISSED** from the complaint without prejudice.
- The Motion to Dismiss Counts 3, 6, and 9 based on the failure to exhaust administrative remedies is **GRANTED** without prejudice.
- The Motion to Dismiss the claims arising under NRS §§ 197.200 and 200.571 in Counts 1, 2, 4, 5, 7, and 8 is **GRANTED** with prejudice.
- The Motion to Dismiss the claims arising under NRS § 200.575 in Counts 4, 5, and 7 is **GRANTED** with prejudice.

- The Motion to Dismiss the claims arising under NRS § 233B in Counts 1, 2, 4, 5, and 8 is **GRANTED** with prejudice.
- The Motion to Dismiss the claim arising under NRS § 200.2483 in Count 8 is **GRANTED** with prejudice.
- The Motion to Dismiss the claims arising under Article I, Sections 2 and 10 of the Nevada Constitution in Counts 1, 2, 4, 5, 7, and 8 is **GRANTED** with prejudice.
- The Motion to Dismiss the claims arising under the Sixth Amendment of the U. S. Constitution in Counts 2, 4, 5, 7, and 8 is **GRANTED** with prejudice.
- The Motion to Dismiss the claims arising under the Eighth Amendment and Article I, Section 6, of the Nevada Constitution in Counts 1 and 2 is **GRANTED** with prejudice.
- The Motion to Dismiss the claims arising under the Fourteenth Amendment in Count 4 is **GRANTED** with prejudice.

LANCE S. WILSON, CLERK